

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH DIEMER,

Defendant.

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No. CR 1:23-00033-001 KWR

UNOPPOSED MOTION FOR FORM 13 PRESENTENCE REPORT

COMES NOW, the defendant, Keith Diemer, by and through his attorney, Aric G. Elsenheimer, Assistant Federal Public Defender, respectfully requests that this Court enter an Order for a Form 13 Pre-plea Presentence Report.

As grounds, defense counsel for Mr. Diemer states the following:

1. On March 16, 2023, Mr. Diemer was arraigned and pled not guilty to the Indictment which charged him with False Information and Hoaxes, in violation of 18 U.S.C. § 1038(a)(1).
2. Mr. Diemer was previously release on conditions on February 14, 2023. [Doc. 7]. Mr. Diemer is currently living in Indiana.
3. Mr. Diemer and the government have reached a plea agreement. That agreement, made pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, calls for a sentence of three years of probation. Mr. Diemer intends to submit a separate request for the Court to vacate the trial setting and set this matter for a change of plea hearing and sentencing hearing on the same day, or at the very least during the same two-or-three-day period. Mr. Diemer will be requesting a change of plea and sentencing at or around the same time frame to avoid travelling to New Mexico

on separate occasions for the two hearings. This will avoid unnecessary travel and travel-related expense (at least some of which will be covered by the United States Marshals service). To begin this process, Mr. Diemer requests that the Court order the preparation of a pre-plea presentence report.

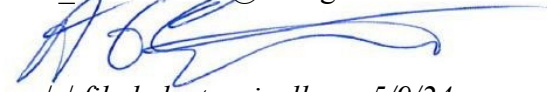
4. Supervising United States Probation Officer Jeffrey Martinez-Spelich does not oppose the defendant's request for a Form 13 Pre-plea Presentence Report.

5. Assistant United States Attorney Jon K. Stanford does not oppose this request.

WHEREFORE, the defendant requests that the Court enter an order for a Form 13 presentence report.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
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/s/ filed electronically on 5/9/24
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